

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 23, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TOMMY F.,¹

Plaintiff,

vs.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:23-cv-03084-RHW

**ORDER ADOPTING REPORT
AND RECOMMENDATION TO
GRANT PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT
AND DENY DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

ECF Nos. 9, 11, 14

Before the Court is the Report and Recommendation issued by Magistrate Judge Alexander C. Ekstrom, ECF No. 14, recommending Plaintiff's Motion for Summary Judgment, ECF No. 9, be granted and Defendant's Motion for Summary Judgment, ECF No. 11, be denied. No objections were filed. After reviewing the Report and Recommendation, the Court finds the Magistrate Judge's findings are correct. Therefore, the Court adopts the Report and Recommendation in its entirety.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Accordingly, **IT IS ORDERED:**

2 1. The Report and Recommendation, **ECF No. 14**, is **ADOPTED** in its
3 entirety.

4 2. Plaintiff's Motion for Summary Judgment, **ECF No. 9**, is **GRANTED**.
5 The Commissioner's decision is **REVERSED** and this matter is **REMANDED** for
6 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

7 3. Defendant's Motion for Summary Judgment, **ECF No. 11**, is **DENIED**.

8 4. Upon proper presentation, the Court will consider Plaintiff's application
9 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

10 The District Court Executive is directed to enter this Order, **ENTER**
11 **JUDGMENT** in favor of Plaintiff, forward copies to counsel and Magistrate Judge
12 Ekstrom, and **CLOSE THE FILE**.

13 DATED September 23, 2024.

14 s/Robert H. Whaley
15 ROBERT H. WHALEY
16 Senior United States District Judge
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